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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,109	07/08/2003	Brian James Knight	60707-1420	7691

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EXAMINER
CHAN, SAI MING

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _3/25/2008_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-20_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because some of them are not legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Priem et al. (U.S. Patent # 6282587),** in view of **Gaytan et al. (U.S. Patent #5638367)**

Consider **claims 1, 3, 5, 6, 7, 9, 10, 11, 12 and 13**, Priem et al. clearly disclose

and show a method for transferring network packet data stored in

memory to an output device (fig. 1 (DMA->FIFO->I/O device), abstract), the method

comprising the steps of:

storing the first sequence of packet data octets in a FIFO buffer ((fig. 1 (FIFO),

column 2, lines 1-9)) operably connected to the output device (fig. 1 (I/O drvice)); and

However, Priem et al. do not specifically disclose concatenating one or more

packet data octets, storing the octets when the octet length of the sequence of packet

data octets is equal to the octet length of a data word and storing the first subset in

FIFO and concatenate the remaining octets in the alignment register with second

sequence.

In the same field of endeavor, Gaytan et al. clearly disclose:

concatenating one or more packet data octets from at least a first data word

having at least one packet data octet to be included in a network packet to generate a

first sequence of packet data octets having an octet length at least as great as an octet

length of a data word (fig. 3 (600), col. 5, lines 51-63 (word packing));

storing the first sequence of packet data octets when the octet length of the

sequence of packet data octets is equal to the octet length of a data word (fig. 3 (600),

col. 5, lines 51-63 (word packing then transfer to FIFO)); and

storing a first subset of packet data octets from the first sequence of packet data

octets in the FIFO buffer and storing a remaining second subset of packet data octets

from the first sequence in an alignment register when the octet length of the first

sequence of packet data octets exceeds the octet length of a data word, wherein an octet length of the first subset of packet data octets is equal to the octet length of a data word (col. 10., lines 52-55 (byte pack data from one word to another).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transfer packet data stored in memory to output device, as taught by Priem et al., and concatenating one or more packet data octets, storing the octets when the octet length of the sequence of packet data octets is equal to the octet length of a data word and storing the first subset in FIFO and concatenate the remaining octets in the alignment register with second sequence, as taught by Gaytan, so that concatenated data packets of equal length can be stored in the FIFO registers.

Consider **claim 2**, and **as applied to claim 1 above**, Priem et al., as modified by Gaytan, clearly disclose and show a method as described.

However, Priem et al., as modified by Gaytan, do not specifically show to store the data in a alignment register if the data sequence is less than a data word.

In the same field of endeavor, Gaytan et al. clearly show and disclose the step of storing the first sequence of packet data octets in the alignment register (fig. 6a (63), col. 7, lines 21-31 (64-bit data word)) when the octet length of the first sequence of packet data octets is less than the octet length of a data word (fig. 6a (63), col. 7, lines 21-31 (64-bit data word)).

Therefore it would have been obvious to a person of ordinary skill in the art at

the time of invention was made a method for transferring network packet data stored in

memory to an output device, as taught by Priem, and show storing the data in a

alignment register if the data sequence is less than a data word, as taught by Gaytan,

so that concatenated data packets of equal length can be stored in the FIFO registers.

Consider **claims 4 and 8**, and **as applied to claim 1 and 5**, respectively, above,

Priem et al., as modified by Gaytan, clearly disclose and show the method as described

except the step of the octet length of a data word is an integer multiple of four.

In the same field of endeavor, Gaytan et al. clearly show and disclose that the

data word's octet length could be an integer multiple of four (col. 6, lines 35-44 (word

could be 32-bit or 64 bit)).

Therefore it would have been obvious to a person of ordinary skill in the art at

the time of invention was made a method for transferring network packet data stored in

memory to an output device, as taught by Priem, and show the octet length of a data

word in an integer multiple of four, as taught by Gaytan, so that concatenated data

packets of equal length can be stored in the FIFO registers.

Response to Arguments

Applicant's arguments, with regard to claim 1, under 35 U.S.C. 103(a), filed

3/25/2008 have been fully considered but they are not persuasive.

In the present application, Applicant basically argues, on pages 8 through 13 of

the remarks, that Priem et al., do not teach or suggest "storing the first sequence of a

packet data octets in a FIFO buffer when the octet length of the sequence of packet

data is equal to the octet length of a data word".

The Examiner has modified the response with a new reference which combines

with Priem to provide "storing the first sequence of a packet data octets in a FIFO buffer

when the octet length of the sequence of packet data is equal to the octet length of a

data word". See the above rejections of claim 1, for the relevant interpretation and

citations found in Gaytan et al., disclosing the limitations.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

        Commissioner for Patents
        P.O. Box 1450
        Alexandria, VA 22313-1450

    Hand-delivered responses should be brought to

        Customer Service Window
        Randolph Building
        401 Dulany Street
        Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sai-Ming Chan whose telephone number is 571-270-1769. The examiner can normally be reached on monday - Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seema S. Rao/
Supervisory Patent Examiner, Art
Unit 2616

/Sai-Ming Chan/
Examiner, Art Unit 2616

June 22, 2008